

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORLANDO GARCIA,
Plaintiff,

v.

CHEW LUN BENEVOLENT
ASSOCIATION,
Defendant.

Case No. [21-cv-04547-SK](#)

FOURTH ORDER TO SHOW CAUSE

Due to Plaintiff's repeated delays and failure to diligently prosecute this case, the Court imposed monetary sanctions against Plaintiff's counsel and required Plaintiff to submit a declaration signed under penalty of perjury by no later than February 14, 2022. Plaintiff failed to submit the required declaration by the deadline. Plaintiff's and Plaintiff's counsel's failure to diligently prosecute this case and to comply with Court's deadlines is unacceptable, particularly after the Court has issued multiple Orders to Show Cause ("OSC") and admonished Plaintiff's counsel that counsel's behavior does not meet the minimum standards for this Court. Therefore, the Court HEREBY ISSUES the *Fourth* OSC why this case should not be dismissed for failure to prosecute, why monetary sanctions should not be issued in the amount of \$1,000, and why Plaintiff's counsel should not be referred to the Northern District of California's Standing Committee on Professional Conduct. Plaintiff shall respond to this OSC by no later than February 22, 2022. It is not clear who bears responsibility for the most recent failure – Plaintiff, Plaintiff's counsel, or both. Therefore, in the response to this OSC, Plaintiff shall explain why the declaration was not filed.

If Plaintiff fails to respond or fails to show good cause for his failure to comply with the Court's deadline, the Court will reassign this case to a district judge with a report and

1 recommendation that this case be dismissed without any further notice. If Plaintiff does respond
2 and show good cause, by no later than February 22, 2022, he should also file his required
3 declaration answering the questions set forth in the Order dated February 1, 2022.

4 **IT IS SO ORDERED.**

5 Dated: February 15, 2022

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7 SALLIE KIM
8 United States Magistrate Judge
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